

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, April 21, 2008

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt,
P. Kochenburger (7:06), P. Plante, B. Pociask, B. Ryan

Alternates present: M. Beal, G. Lewis, L. Lombard (arrived 7:24 p.m.)

Chairman Favretti called the meeting to order at 7:04 p.m.

Holt MOVED, Hall seconded, to add to the agenda under New Business, an application for the deposition of fill material at 66 Davis Road. MOTION PASSED UNANIMOUSLY.

Minutes:

4/7/08- Plante MOVED, Gardner seconded, to approve the 4/7/08 minutes as written. MOTION PASSED UNANIMOUSLY.

4/16/08 Field Trip - Holt MOVED, Hall seconded, to approve the 4/16/08 minutes as written. Beal, Holt and Ryan in favor with all others disqualified.

Old Business:

1. New Subdivision Application, Windwood Acres, Baxter Estates Section II, 6 lots off of Storrs Rd., Crossen., o/a File # 1229-2

Tabled, Public Hearing Scheduled for 5/5/08.

2. 11 lot Subdivision Application, Wormwood Hill and Knowlton Hill Rds, Green o/a, File #1269

Tabled, Public Hearing Scheduled for 5/5/08.

3. Zoning Agent's Report

A. Enforcement Update-Item noted.

B. Request to Modify Building Area Envelope, Lot 2, Bennett Estates, 589 Ash Street, File #1253

Holt MOVED, Ryan seconded, that the PZC approve the Building Area Envelope revision for Lot 2 (589 Ash Street) in the Bennett Estates subdivision, as proposed in a 4/3/08 modification request from Reynaldo Soto. The property owner shall file a Notice of Building Area Envelope Revision upon the land record. MOTION PASSED UNANIMOUSLY.

C. 4/10/08 Memo Re: Referrals from Office of Building and Housing Inspection-Item noted.

D. Request for Storage Shed Outside BAE, 196 Bone Mill Road, PZC File #1219

Holt MOVED, Gardner seconded, that the PZC authorize the placement of an 8x12 foot storage shed at 196 Bone Mill Road, as submitted by Matthew Traber and depicted on the submitted plan, as provided for under Article VIII, Section B.1.d of the regulations. MOTION PASSED UNANIMOUSLY.

4. EIE Process: UConn Hazardous Waste Storage Facility Relocation Project

Favretti noted the report from the Director of Planning; no comments were made.

New Business:

1. Proposed 4/1/08 Revisions to Land Use Fee Schedule

Lewis asked if applicants would be notified prior to staff hiring a consultant at their expense. He expressed concern that some applicants may not want to incur the additional cost and would rather have the opportunity to withdraw their applications. Kochenburger explained that applicants are notified and furthermore, the hiring of a consultant is rarely done and requires the consensus of the Commission.

Kochenburger MOVED, Holt seconded, that the Planning and Zoning Commission recommend that the Town Council approve the 4/1/08 draft revisions to Mansfield's Land Use Fee Schedule. The 4/1/08 draft has been carefully prepared to more appropriately cover the costs of legal advertising and staff review, processing and inspection time. An effort has been made to retain lower fees for minor projects. Of significance, the 4/1/08 draft incorporates a new provision that authorizes land use boards to charge applicants for the cost of any consultant assistance that is considered necessary to properly review a pending application. This new provision is specifically authorized by the State Statutes. MOTION PASSED UNANIMOUSLY.

**** PZC Meeting recessed at 7:14 p.m. for the IWA Scheduled Special Meeting.**

**** PZC Meeting resumed at 8:35p.m.**

Scheduled Business:

Public Hearing:

Resubdivision application, 9 Proposed lots off of Dodd Road (Quiet Meadow), L.

LaGuardia o/a

File #1108-2

Favretti opened the Public Hearing at 8:36 p.m. K. Holt disqualified herself. Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, P. Kochenburger, B. Pociask, P. Plante, B. Ryan, and alternates G. Lewis, L. Lombard, and M. Beal. Favretti appointed Beal to act in Holt's place. Recording Secretary Shea read the legal notice as it appeared in the Chronicle on 4/4/08 and 4/16/08, and listed the following communications received and distributed to all members of the Agency: Undated comments from the Open Space Preservation Committee's March 30th and April 5th meetings (distributed this evening); a 4-17-08 memo from Grant Meitzler, Assistant Town Engineer; a 4-17-08 memo from Jeff Polhemus, Chief Sanitarian, Eastern Highlands Health District; a 4-15-08 memo from Gregory J. Padick, Director of Planning; a 4-2-08 memo from Sue Harrington, Chairman of the Parks Advisory Committee; a 3-19-08 memo from Windham Water Works; and a 3-17-08 memo from Jeff Catlett, Sanitarian, Eastern Highlands Health District. The applicant agreed to have the testimony that was presented during the IWA hearing made part of the PZC record.

Matthew Maynard, Project Engineer from Towne Engineering, represented the applicant. He noted the only new comments he would add to the information presented before the Inland Wetlands Agency is that the lots average 2.5 acres and they meet lot requirements

of the subdivision regulations, and that this has been designed to be an environmentally sound subdivision. He stated that Towne Engineering would like time to review the memos from the staff and committees and asked that the public hearing be kept open until the next meeting to allow adequate time to revise the plans and get them to the staff for review.

Donald Aubrey, Towne Engineering, reviewed and reiterated the key planning and zoning components that were previously discussed during the Inland Wetland Agency public hearing.

Goodwin asked John Alexapolus, Landscape Architect, to restate for the record that that there will be no views from any portions of the Historic District into this subdivision. Alexapolus responded that there will be no significant view from the Historic District. She also questioned if there will be any deed restrictions on the type of construction. Maynard responded that no restrictions will be placed on the deed regarding type of construction.

Favretti asked the applicant to state the percentage of open space being dedicated in upland and lowland areas. Favretti said it appeared that of the 50% of the parcel that is open space, 70% of that open space is either in wetlands or in areas containing slopes over 20%. He also questioned if the applicant considered proposing a cluster development, noting that the soils seem suitable for this type of development.

Gardner asked the applicant to address the comments in Padick's memo.

At this time Favretti opened the discussion to the public.

Meg Reich, 343 Bassetts Bridge Road, expressed concern with portions of the proposed open space, stating that it is sited in areas that are too steep and wet. She was also concerned about the Town's liability if the dam in the conservation area is breached and flooding occurs. She asked the commission to inquire about the status of the dam from the D.E.P.

Peter Friedland, 17 Chaffeeville Road, stated he was against this proposal, citing neighborhood impacts, visual impacts and traffic concerns. He wondered if the proposed houses would be architecturally consistent with the historic character of this area.

Noting no further questions or comments from the public, Plante MOVED, Gardner seconded, to continue the public hearing until 5/19/08. MOTION PASSED UNANIMOUSLY with Holt disqualified.

Public Hearing Continuation:

PZC-Proposed revisions to the Zoning Map and Zoning Regulations, File #907-30
Chairman Favretti opened the continued Public Hearing at 9:00 p.m. Lombard disqualified himself. Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, B. Pociask, P. Plante, B. Ryan, and alternates G. Lewis, and M. Beal. Hall noted for the record that he listened to the tapes of the last Public Hearing. Recording Secretary Shea noted the following communications received and distributed

to Commission members since the last Public Hearing: a 4-17-08 memo from Gregory J. Padick, Director of Planning; a 4-17-08 memo from Dennis O'Brien, Town of Mansfield Attorney; undated comments from the Open Space Preservation Committee's February 20 and March 19th meetings; undated comments from the Agricultural Committee's March 12th meeting; and a supplemental page 4 to the 4-17-08 Memo from Dennis O'Brien, Town of Mansfield Attorney (distributed to all members this evening).

Favretti opened the discussion to the public.

Kari L. Olson, from the Law Firm Murtha Cullina LLP, representing the Hussey family, spoke of her concern that Commissioner Plante would be seated during this public hearing. She questioned whether Plante has a conflict of interest because of a prior situation wherein he, as a real estate broker, brought a client to show him a portion of the property (owned by her client). Plante stated that he does not feel there is a conflict of interest, as this incident occurred over 3 years ago and that he has had no financial gain or any other gain from it. After extensive discussion, members unanimously agreed that they trust Plante's judgment about his being seated and that there is no conflict of interest. Olson stated that she is satisfied that now the record reflects that the issue has been brought to the attention of the Commission and that Plante has stated he feels no conflict is present.

Olson noted that this morning she received all the communications referenced at the beginning of the public hearing, adding that she is not prepared at this time to comment, and would like to reserve the opportunity to do so at the next public hearing. Olson did, however, discuss the following issues: disagreement with Town Attorney O'Brien's interpretation of Section 8-2 of the Connecticut General Statutes; the Special Permit conditions; Open Space dedications; spot zoning; ambiguities in the designation of farmland, location of farmland, permanent designation of farmland, and Section U.b (lack of criteria for low traffic generator).

Olson added that Mansfield's Agricultural Committee and the Open Space Preservation Committee both disagree with the PVCA and RAR-90 zone proposals.

Kochenburger asked that Olson submit a letter outlining her discussion.

Gardner questioned if the current zoning fits the Hussey's future plans. Olson noted that at this time the Husseys do not have any plans for the property.

Alexinia Y. Baldwin, of 3 Charter Oak Square, felt that the zone change would lower property values. She explained that she has spoken with the Director of Planning by phone since the last Public Hearing and he clarified what was said at the previous public hearing about protest petitions. He explained that the protest petition submitted by the Hussey family was only applicable for the rezoning of the Hussey property and not to the proposed rezoning along Mansfield City Road (PVRA zone). He added that in order to protest the proposed rezoning of that area, a protest petition must be signed by 20% of the land-owners within 500 feet of the area to be rezoned.

Jean Meddick, 7a Charter Oak Square, would like to know the comments that were previously made by the Town staff, such as school, police and fire officials and other

experts, during an informational session held by the PZC after the previous proposal was rejected.

Noting no further comments or questions, Hall MOVED, Ryan seconded, to continue the Public Hearing until 5/19/08. MOTION PASSED UNANIMOUSLY.

Public Hearing Continuation:

Special Permit Application, Request to approve the use of off-site parking to increase restaurant occupancy at the Thirsty Dog Pub, N. Eagleville Rd., File #930-7

Chairman Favretti opened the continued Public Hearing at 9:32 p.m. Plante disqualified himself. Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, B. Pociask, B. Ryan, and alternates G. Lewis, L. Lombard and M. Beal. Favretti appointed Beal to act in Plante's stead. Recording Secretary Shea noted the following communication received and distributed to Commission members since the last Public Hearing; a 4-17-08 memo from Gregory J. Padick, Director of Planning.

The applicant submitted an updated set of plans, created by a State Licensed Architect, which added the tables and revised all calculations, noting that these plans meet state and local fire codes and state liquor control guidelines. Graham Scelfo submitted return receipts and discussed the plans and the maximum number of people allowed for each section of the facility.

Goodwin questioned the numbers on today's submitted plans, since there is a large discrepancy from the previously submitted plans.

Ryan wondered when the pool table was removed, and is concerned about patrons tripping over the 8-inch risers to the table area.

Gardner wondered if the servers will be able to get to the patrons among the standees.

Pociask asked about the egress numbers for the doors and their location.

Noting no further comments or questions, Holt MOVED, Hall seconded, to continue the Public Hearing until 5/5/08. MOTION PASSED UNANIMOUSLY with Plante disqualified.

New Business Continued:

2. Request to Present Roundabout Information

Favretti referred to Padick's memo noting this will be on the agenda for a presentation on 5/5/08.

3. 8-24 Referral: Proposed 2008/09 Capital Improvement Projects

Kochenburger MOVED, Holt seconded, that the PZC approve, subject to the condition below, the proposed 2008-09 Capital Improvement Program.

1. Several items are land use-regulated and may require PZC and/or IWA approvals before implementation. The PZC respectfully requests that the departments involved with land use projects coordinate plans with the Director of Planning and Inland Wetlands Agent, and that the Commission/Agency be given adequate time to thoroughly review and act upon final plans for all projects that require PZC or IWA approval. MOTION PASSED UNANIMOUSLY.

4. Special Permit Application, deposition of fill material, 66 Davis Road, L.M. Romeo, o/a, File #1270

Holt MOVED, Gardner seconded, to receive the Special Permit application (File #1270) submitted by L. Michael Romeo, for the deposit of the fill for landscaping purposes, on property located at 66 Davis Road, owned by the applicant, as shown on plans dated April 18, 2008 and as described in other application submissions and to refer said application to the staff for review and comment, and to set a Public Hearing for 5-5-08. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

Items were noted. Favretti asked if staff can add page numbers on the packet material to avoid confusion.

Communications and Bills:

Items were noted.

Adjournment:

Favretti declared the meeting adjourned at 10:09 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary